United Nations A/C.3/53/L.60

General Assembly

Distr.: Limited
13 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Czech Republic, Djibouti, Finland, France, Hungary, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Lithuania, Luxembourg, Monaco, Morocco, Netherlands, Portugal, San Marino, Slovenia, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 1998/79 of 22 April 1998,[1] as well as all resolutions and statements of the Security Council,

Bearing in mind General Assembly resolution 53/_____ on the situation of human rights in Kosovo, adopted on _____,

Reaffirming the obligations of all Member States under the Charter of the United Nations and the Universal Declaration of Human Rights,[2] the obligations of States parties under the International Covenants on Human Rights[3] and all other human rights instruments and the obligation of all to respect international humanitarian law, including the Geneva Conventions of 12 August 1949 on the protection of victims of war[4] and the Additional

[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/3), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] Resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

98-35396 (E) 171198

Protocols thereto of 1977,[5] as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming also the territorial integrity of all States in the region, within their internationally recognized borders,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[6] which, *inter alia,* committed the parties of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"),[7]

Expressing its disappointment at the continuing evidence of violations of human rights and fundamental freedoms taking place to varying degrees in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular the failure of the Federal Republic of Yugoslavia (Serbia and Montenegro) to follow the recommendations of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe,

Welcoming all contributions of the Office of the High Representative, the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the former Yugoslavia in 1998,

1. *Calls* for the full and consistent implementation of the Peace Agreement and the Basic Agreement by all parties to them;

2. *Stresses* the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of the parties under the Peace Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

3. *Stresses also* the need to focus international human rights efforts in the region on the core issues of the lack of full respect for the human rights and fundamental freedoms of all individuals without distinction, the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, the freedom of expression, the freedom of association, including with respect to political parties, freedom of religion and the freedom of movement;

4. *Stresses further* the need for enhanced international human rights efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and dignity;

5. *Calls* for an immediate end to illegal and/or hidden detention by all parties, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), and requests the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to investigate any and all allegations of hidden detainees;

6. *Calls upon* all parties and States in the region to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central

[5] Ibid., vol. 1125, Nos. 17512 and 17513.

[6] See *Official Records of the Security Council, Fiftieth Year; Supplement for October, November and December 1995*, document S/1995/999.

[7] Ibid., document S/1995/951.

elements in the new civilian structures, as reaffirmed at the meetings of the Steering Board and the Peace Implementation Conference;

7. *Urgently calls upon* all States and all parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent related resolutions, including with respect to surrendering persons indicted by the International Tribunal, urges all States to cooperate fully with the Tribunal and its organs, including obligation of States to comply with requests for assistance, or orders issued by a Trial Chamber, by helping to ensure that persons indicted by the Tribunal stand trial before it, and urges the Secretary-General to support the Tribunal to the fullest extent possible;

8. *Strongly condemns* the continuing refusal of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) as well as those responsible in the Republika Srpska to comply with their obligation to arrest and transfer to the custody of the International Tribunal those indicted known to be present in their territories or territories under their control, *inter alia,* Radovan Karadzic, Ratko Mladic, Milan Martic, Mile Mrksic, Miroslav Radic and Veselin Sljivancanin, and urges all parties to the Peace Agreement to comply fully with their obligations and to intensify their efforts in this regard;

9. *Welcomes* the cooperation by the Republic of Croatia and the Federation of Bosnia and Herzegovina which has resulted in thirty-four persons indicted by the International Tribunal being brought to justice;

10. *Calls upon* all parties to the Peace Agreement to take immediate steps to determine the identity, whereabouts and fate of missing persons, *inter alia*, near Bugojno, Srebrenica, Zepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the United Nations, as well as with humanitarian organizations and independent experts, and stresses the importance of coordination in this area;

I. Bosnia and Herzegovina

11. *Welcomes* the free and fair elections held on 12 and 13 September 1998 and the increase in political pluralism and freedom of expression through the participation by all groups and individuals, which represents another step towards democracy in Bosnia and Herzegovina;

12. *Welcomes also* the progress made in some areas of Bosnia and Herzegovina in implementation of the Peace Agreement and improvement in respect for human rights, as demonstrated by the important work of the Office of the Federation Ombudsmen, the detentions and voluntary surrender of persons indicted by the International Tribunal, improvement in the freedom of movement in some areas, the establishment of fourteen "open cities", police restructuring and human rights training in Bosnia and Herzegovina, including in some parts of the Republika Srpska, increased cooperation with the International Police Task Force, and efforts towards and progress in support of free and independent media;

13. *Expresses its serious concern* about continuing human rights violations within Bosnia and Herzegovina and delays in the full implementation of the human rights provisions of the Peace Agreement, notably in bringing legislation into compliance with the human rights provisions of the country's national Constitution, and in implementing this legislation;

14. *Urges* the authorities of Bosnia and Herzegovina, in particular those in the Republika Srpska, to ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations, and to provide for the protection of the above-mentioned organizations, especially those providing humanitarian assistance;

15. *Calls upon* the Commission on Human Rights for Bosnia and Herzegovina (the "Commission") to intensify its activities concerning alleged or apparent discrimination or violations of human rights of any kind;

16. *Calls upon* all authorities in Bosnia and Herzegovina to cooperate fully with the Commission, and specifically calls upon the Republika Srpska to increase its cooperation with the Commission;

17. *Condemns in the strongest terms* the complicity by local governments in the perpetration of violence against minority refugees and internally displaced persons returning to their homes and the destruction of their homes, including acts of intimidation and all those acts designed to discourage the voluntary return of refugees and internally displaced persons, and calls for the immediate arrest and bringing to justice of those responsible for such actions;

18. *Urges* all parties in Bosnia and Herzegovina immediately to create conditions conducive to the voluntary return, in safety and dignity, of refugees and internally displaced persons to their homes, with equal emphasis on minority returns, to pass quickly in Bosnia and Herzegovina the necessary legislation on property rights, to pursue the full and speedy implementation of new property and housing legislation enacted in the Republika Srpska in April 1998, to cooperate with and support the work of the Commission for Real Property Claims of Displaced Persons to resolve outstanding property claims, and to end practices of discrimination based on ethnic or political grounds;

19. *Calls upon* the authorities of both entities to cooperate closely with the Office of the United Nations High Commissioner for Refugees in refugee-return matters and to ensure that local authorities and groups comply with the obligations of the Peace Agreement;

20. *Calls* for the establishment without delay in the Republika Srpska of institutions for the protection of human rights, in particular a human rights ombudsman;

21. *Reiterates its call* to bring to justice the perpetrators of rape, notably where it was used as a weapon of war, and for adequate assistance and protection for victims of rape and the witnesses thereto;

II. Republic of Croatia

22. *Welcomes* the successful conclusion of both the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the United Nations Police Support Group, both of which played an important role in the restoration of peace and stability in Eastern Slavonia, applauds the smooth and seamless transfer of monitoring responsibilities from the United Nations to the Organization for Security and Cooperation in Europe on 16 October 1998, welcomes the cooperation of the Republic of Croatia in bringing these missions to a conclusion, and looks to the Organization for Security and Cooperation in Europe and the Government of the Republic of Croatia to build on the admirable work carried out by the United Nations in Eastern Slavonia;

23. *Welcomes also* the Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, established on 26 June 1998 in the Republic of

Croatia,[8] as well as subsequent steps taken, and calls for their full, non-discriminatory and early implementation;

24. *Urges* the Republic of Croatia to implement fully its Programme for the Re-establishment of Confidence, Acceleration of Return and Normalization of Living Conditions in the War-affected Areas of the Republic of Croatia and its refugee return programme in cooperation with the Office of the United Nations High Commissioner for Refugees, and demands that the Republic of Croatia take immediate steps to facilitate the early voluntary return, in safety and dignity, of all refugees and displaced persons, including minorities, to their homes in all regions, to use all available means to assure their safety and human rights, to resolve property rights issues within the framework of the rule of law and in conformity with international standards, to make a sustained effort to provide equal access to assistance in social and housing reconstruction, regardless of ethnicity, to continue to allow access to this population by humanitarian organizations and to maintain its cooperation with the civilian police monitors mandated by the Organization for Security and Cooperation in Europe in Croatia;

25. *Calls upon* the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles and to continue its efforts to attain the highest level of compliance with international norms and standards of human rights and fundamental freedoms, especially in regard to strengthening the independence of its judiciary, to freedom of association and assembly, and to the promotion and protection of free and independent media, in particular by providing for full freedom of expression in and access to all forms of media, including by the complete range of political parties;

26. *Takes note* of the request of the Government of the Republic of Croatia for technical cooperation and assistance programmes and of the positive response thereto by the United Nations High Commissioner for Human Rights, and looks forward to the effects of these programmes on the situation of human rights and the rule of law;

27. *Strongly urges* the impartial application of the law by the Republic of Croatia and the swift and complete implementation of judicial decisions for all citizens, irrespective of ethnicity, religion or political affiliation;

28. *Reminds* the Government of the Republic of Croatia of its primary responsibility to restore the multi-ethnic character of Croatia, including the pledge to guarantee the representation of national minorities, including Serbs, at various levels of local, regional and national government;

29. *Notes* that police performance has improved markedly since the beginning of the mandate of the Civilian Police Support Group and that the Government has taken steps to ensure that this continues;

30. *Calls upon* Croatian authorities to prevent harassment, looting and physical attacks against displaced Serbs and other minorities, and in particular to end all involvement by Croatian military and police officials in such incidents, and speedily to arrest those committing or instigating acts of violence and intimidation aimed at preventing the return of Croatian Serbs or others to their homes, and calls upon the Government of the Republic of Croatia to ensure the non-discriminatory application of the amnesty law and to strengthen measures to end all forms of discrimination by Croatian authorities in the areas of property rights, employment, education, pensions and health care, among others;

[8] S/1998/589, annex.

III. Federal Republic of Yugoslavia (Serbia and Montenegro)

31. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to end any torture and other cruel, inhuman or degrading treatment or punishment of persons in detention, as described in the reports of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[9] and to bring those responsible to justice;

32. *Strongly urges* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to institutionalize democratic norms, especially in regard to respect for the principle of free and fair elections, the rule of law, the administration of justice, the promotion and protection of free and independent media, and full respect for human rights and fundamental freedoms, and calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) specifically to repeal repressive laws on universities and the media;

33. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease all harassment and hindrance of journalists, whatever their ethnicity or national origin and wherever within the Federal Republic of Yugoslavia (Serbia and Montenegro) they may be practising their professions, repeal repressive laws on universities and the media, which suppress any and all internal dissent or expression of independent views, and concomitantly respect the right of free speech;

34. *Urges* all parties, groups and individuals in the Federal Republic of Yugoslavia (Serbia and Montenegro) to act with full respect for human rights, to refrain from all acts of violence and to act with respect for the rights and dignity of all persons belonging to minority groups;

35. *Strongly urges* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately to bring to justice any persons, in particular those of its personnel, who have engaged in or authorized human rights abuses against the civilian population, including summary executions, indiscriminate attacks on civilians, indiscriminate destruction of property, mass forced displacement of civilians, the taking of civilian hostages, torture and other cruel, inhuman or degrading treatment or punishment and, in this context, reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its obligations to cooperate fully with the International Tribunal for the Former Yugoslavia and the United Nations High Commissioner for Human Rights;

36. *Calls upon* the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination against any ethnic, national, religious or linguistic group, to ensure the speedy and consistent investigation of acts of discrimination and violence against refugees and internally displaced persons, and to ensure the arrest and punishment of those responsible for acts of discrimination and violence;

37. *Also calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the rights of all persons belonging to minority groups, especially in the Sandjak and Vojvodina, and of persons belonging to the Bulgarian minority, and supports the unconditional return of the long-term missions of the Organization for Security and Cooperation in Europe, as called for by the Security Council in its resolutions 855 (1993) of 9 August 1993 and 1160 (1998) of 31 March 1998;

[9] A/53/522 and Add.1.

38. *Further calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the democratic process and to act immediately to enable the establishment of genuine democratic self-governance in Kosovo, through a negotiated political settlement with representatives of the ethnic Albanian community, to cease all restrictions on freedom of expression or assembly, to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation, and calls upon all individuals or groups in Kosovo to resolve the crisis there through peaceful means;

39. *Demands* that the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate steps to allow for and to create conditions for the return of internally displaced persons and refugees in safety and dignity;

40. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons and to assist in their unimpeded return to their homes;

41. *Takes note* of the reports of the Special Rapporteur,[9] in which concern is expressed on the continuing grave human rights situation in Kosovo, as well as the reports of the Secretary-General on the situation of human rights in Kosovo;[10]

42. *Welcomes* the establishment of a sub-office of the United Nations High Commissioner for Human Rights in Pristina in the context of the ongoing field operations in the former Yugoslavia;

43. *Calls upon* States to consider additional voluntary contributions to meet the pressing human rights and humanitarian needs in the area, and underlines the need for continued coordination among States, international organizations and non-governmental organizations of initiatives and programmes with the aim of avoiding duplication, overlap and working at cross-purposes;

44. *Decides* to continue its examination of this question at its fifty-fourth session under the item entitled "Human rights questions".

---

[10] A/53/563.